

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 71057

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

1. This is a request for filing a:

(X) Divisional Application Under 37 CFR §1.53(b)

of pending prior application no. 09/904,276 filed on July 12, 2001 for PROCESS AND
BLANK FOR PREPARING RHOMBOIDAL BLADES FOR AXIAL TURBO ENGINES
wherein the inventors are:

Hans-Egon BROCK

Using the enclosed specification of 14 pages and 17 claims.

The entire disclosure of the above mentioned pending prior application, is considered to be
part of the disclosure of the accompanying application and is hereby incorporated by
reference therein.

2. Prior Application Information: Examiner: John J. Zimmerman
Group/Art Unit: 1775

3. X The filing fee is calculated below:

CLAIMS AS FILED, LESS ANY CLAIMS CANCELED BY AMENDMENT

	<u>FILED</u>	<u>EXTRA</u>	<u>RATE</u>	<u>FEE</u>
Total claims	17	0	\$18/\$9	\$0.00
Independent Claims	3	0	\$84/\$42	\$0.00

Multiple Dependant Claims No

Basic Filing Fee: \$ 750.00

Total Filing Fee: \$ 750.00

4. ☒ The Commissioner is hereby authorized to charge any fees which may be required, or to credit any overpayment to our Deposit Account No. 13-0410.
5. ☒ A Request to Charge Deposit Account in the amount of \$ 750.00 is enclosed.
6. ☐ Cancel claims _____
7. ☐ Amend the specification by inserting before the first line the sentence:
-- This is a Divisional of application Serial No. 09/904,276 filed July 12, 2001, and the entire disclosure of this prior application is considered to be part of the disclosure of the accompanying application and is hereby incorporated by reference therein.--
8. ☒ Formal drawings are enclosed.
[Total Sheets: 3]
9. ☒ The prior application is assigned to MAN Turbomaschinen AG GHH BORSIG, as recorded under Reel 011993 and Frame 0439. A copy of this assignment is enclosed and this assignment carries over to the present application.
10. ☒ Oath or Declaration [Total Pages: 2]
- a. ☐ Newly Executed (original or copy)
- b. ☒ Copy from a prior application (37 C.F.R. § 1.63(d))
11. ☒ Any Convention priority claimed in the parent application is hereby claimed for this application.
12. ☐ A preliminary amendment is attached.
13. ☐ Small Entity status as claimed in the parent application is still proper and hereby claimed for this application.

14. ACCOMPANYING APPLICATION PARTS

- ☐ English Translation Document
- ☒ Copy of Information Disclosure Statement/PTO Form 1449 filed on April 4, 2003
- ☐ Copies of IDS Citations
- ☒ Return Receipt Postcard (MPEP 503)
- ☐ Certified Copy of Priority Document
- ☒ Request for Reconsideration
- ☐ Other ☐

15. X CORRESPONDENCE ADDRESS BELOW:

McGLEW AND TUTTLE

John James McGlew

Scarborough Station

Scarborough, New York 10510-0827

United States

Telephone: (914) 941-5600 Fax: (914) 941-5855

Name: Theobald Dengler

Reg. No.: 34,575


Signature:  Date: July 15, 2003

TD:tf
71057.3

DATED: July 15, 2003
SCARBOROUGH STATION
SCARBOROUGH, NEW YORK 10510-0827

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH
THE UNITED STATES POSTAL SERVICE AS EXPRESS MAIL IN AN ENVELOPE
ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA
22313-1450, No. EV323629234US ON July 15, 2003

McGLEW AND TUTTLE, P.C., SCARBOROUGH STATION,
SCARBOROUGH, NEW YORK 10510-0827

By:  Date: July 15, 2003

ATTORNEY DOCKET NO: 71057

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : BROCK
Serial No :
Confirm. No :
Filed :
For : PROCESS AND BLANK...
Art Unit : 1775
Examiner : John J. Zimmerman
Dated : July 15, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST TO CHARGE DEPOSIT ACCOUNT

In the above matter The United States Patent and Trademark Office is hereby requested
to charge deposit account 13-0410 as follows:

\$750.00 for basic filing fee - utility under fee code 1001.

Respectfully submitted
for Applicant,

By: 

Theobald Dengler
Registration No. 34,575
McGLEW AND TUTTLE, P.C.


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71057.4

DATED: July 15, 2003
SCARBOROUGH STATION PLAZA
SCARBOROUGH, NEW YORK 10510-0827
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SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE
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McGLEW AND TUTTLE, P.C.
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BY:  DATE: July 15, 2003



REGISTERED PATENT ATTORNEY

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HILDA S. McGLEW M.D., PATENT AGENT

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Commissioner for Patents
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Re: ATTORNEY DOCKET: 71057
Customer Number: 000023872

Sir:

Attached please find the complete application papers and large entity fees in the above-identified application which are being placed in the U.S. Mail today, July 15, 2003, as Express Mail number EV323629234US.

A copy of the Express Mail receipt is also attached.

Respectfully submitted
for Applicant(s),

By: 

Theobald Dengler
Reg. No. 34,575
McGLEW AND TUTTLE, P.C.

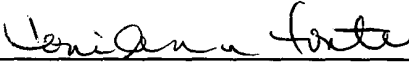
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Enclosures - Complete Application Papers and Fees
- Copy of Express Mail Receipt

DATED: July 15, 2003
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REQUEST FOR RECONSIDERATION

Prior to initial examination, Applicant hereby provides the following remarks:

REMARKS

This Divisional Application is being filed to seek patent protection for the process of manufacturing a turbine blade. Applicant notes that the parent application originally set forth process claims and article claims. A restriction was made in the parent application, and the article claims were chosen. This Divisional Application now seeks patent protection for the process claims.

In the parent application, the article claims were rejected as being anticipated by, or

obvious in view of, Vaganov, David, or Sejournet.

The present independent claims set forth the step of hot forming a bar stock. Support for this can be found in the original specification on page 4 lines 8 - 9.

Applicant has reviewed the prior art applied in the parent application, and finds no teaching nor suggestion of a process for manufacturing a turbine blade, where a bar stock is hot formed. Applicant has reviewed the Vaganov reference, and finds Vaganov to be silent with regard to how any bar stock is formed. Vaganov often describes that the method starts with an initial billet (blank) which has a rhomboid cross-section. However, Vaganov appears to be silent with regard to how this initial billet (blank) is formed. Therefore Vaganov cannot anticipate the process steps of the present independent claims, which set forth the hot forming or hot rolling of a bar stock with a rhomboidal cross-section.

Applicant has also reviewed David, and finds no teaching nor suggestion of hot forming or hot rolling of a bar stock with a rhomboidal cross-section. Applicant notes that David describes a blank sawn out of a large ingot, column 1 lines 41 - 42. However, this is not an indication of hot forming a bar stock. Applicant finds no other indication in David of how any bar stock or blank is formed, and especially no indication of forming a bar stock by hot forming or hot rolling. The present independent claims therefore also define over David.

Applicant has reviewed the reference of Sejournet, and notes that Sejournet describes methods of extruding metals. Applicant notes that extruding metals is a much different process than hot forming or hot rolling. In particular Applicant notes that extruding metals forms a metal with different characteristics. In particular, extrude metals have many more internal

stresses which can cause failures after prolonged operation. Applicant also notes that Sejournet describes extrusion for forming both the blade itself, and the foot of the blade. The present invention on the other hand describes hot forming for forming a bar stock, and then machining the bar stock for forming the blade out of the bar stock.

Sejournet also indicates that forging has been tried, presumably for shaping the blade, but is not acceptable or does not provide a satisfactory product, in spite of a very high production cost. A person of ordinary skill in the art would therefore not be led to use forging by Sejournet, especially not for forming a bar stock, which is then machined to form the turbine blade. Therefore the present process claims are not anticipated by, or obvious in view of, Sejournet.

Applicant also notes that the reference GB 817 660, as cited by Applicant in the last Information Disclosure Statement does not describe the process of hot forming or hot rolling. Instead this reference discloses a process where a blank is produced by extruding. Compared to hot rolling, the process of extruding is more expensive, and is not applicable to steel of high quality, as required for turbine blades. Therefore this reference, while considered significant by the European Patent Office, does not anticipate all of the features of the present independent claims. The present independent claims therefore define over this reference.

If the Examiner has any comments or suggestions which would further favorable prosecution of this application, the Examiner is invited to contact Applicant's representative by telephone to discuss possible changes.

Favorable action on the merits of this application is respectfully requested.

Respectfully submitted
for Applicant,

By: 

Theobald Dengler
Registration No. 34,575
McGLEW AND TUTTLE, P.C.

TD:tf
71057.2

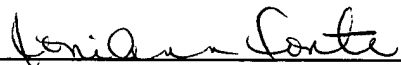
Enclosed: copy of IDS as filed on April 4, 2003

DATED: July 15, 2003
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BY:  DATE: July 15, 2003